

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN REPLY REFER TO:

October 7, 1992

Williams Broadcasting Group
c/o Jay Galt, Esq.
White, Coffey, Galt & Fite, P.C.
6520 N. Western, Suite 200
Oklahoma City, OK 73116

Southwest Educational Media Foundation
of Texas, Inc.
c/o T. Kent Atkins, President
2921 Brown Trail, Suite 140
Bedford, TX 76021

In re: New (FM), Amarillo, Texas
(File No. BPH-900703MC) and
New Noncommercial FM,
Slaton, Texas (File No.
BPED-900629ML)

Gentlemen:

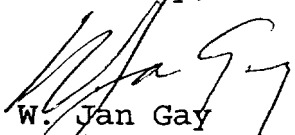
This refers to the above-captioned applications. The new commercial FM application filed by Williams Broadcasting Group ("Williams") is mutually exclusive with the renewal application of Atkins Broadcasting for Station KRGN(FM), Amarillo, while the new noncommercial FM application of Southwest Educational Media Foundation of Texas, Inc. ("SEMFOT") is mutually exclusive with Williams' renewal application for Station KJAK(FM), Slaton, Texas.

On September 25, 1992, Williams, SEMFOT, Atkins, and Caprock Educational Broadcasting Foundation ("Caprock"), filed a joint request for approval of settlement agreement. The settlement agreement provides that, in exchange for the dismissal of SEMFOT's Slaton application, Williams will dismiss its Amarillo application. In addition, Williams will withdraw petitions to deny, informal objections and related pleadings directed against Caprock's applications for modification, covering license and transfer of control of Station KAMY(FM), Amarillo (File Nos. BMPED-880328MM, BMPED-890726IF, BMPED-901210IA, BLED-901210KD and BTCED-891003GG); and Caprock's application for transfer of control of Station KLMN(FM) (File No. BTCED-891003GF). Williams will also withdraw petitions to deny, informal objections and related pleadings against SEMFOT's applications: for a new station in Brownfield, Texas (File No. BPED-900629MJ); for a new station in Lubbock, Texas (File No. BPED-900629MK); and for the assignment of a construction permit for a new station in

Bridgeport, Texas (File No. BAPED-891120HR). No payment or promise of payment has been made by any party to any of the others. Further, Williams and SEMFOT certify that their respective applications for Amarillo and Slaton were not filed for the purpose of reaching a settlement. It thus appears that Williams, SEMFOT and Caprock have complied with Sections 73.3523 and 73.3588 of the Commission's Rules.

Accordingly, IT IS ORDERED, that, pursuant to Section 73.3568 of the Commission's Rules, the application of Williams to construct a new FM station in Amarillo, Texas, on Channel 275C1 IS DISMISSED; and the application of SEMFOT to construct a new noncommercial FM station in Slaton, Texas, on Channel 224C1 IS DISMISSED. IT IS FURTHER ORDERED, that, the following pleadings ARE DISMISSED: Williams' pleadings against Caprock, filed April 13, 1989, April 25, 1989, November 13, 1989 (2), September 24, 1990, and September 5, 1991, which were directed against Stations KAMY(FM) and KLMN(FM); Williams' pleadings filed July 15, 1991, September 6, 1991, and May 28, 1992, which were directed against SEMFOT's applications for Brownfield and Lubbock, Texas; and Williams' informal objection filed January 11, 1990, against SEMFOT's application to acquire the Bridgeport, Texas, construction permit.

Sincerely,



W. Jan Gay
Assistant Chief, Audio Services Division
Mass Media Bureau

cc: James L. Oyster, Esq.
John E. Hoover, Esq.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

JUN 19 1987

IN REPLY REFER TO

8920-ALM

Mr. Gary R. Barton, Trustee
Caprock Educational Broadcasting Foundation
3515 Goodfellow Lane
Amarillo, Texas 79129

In re: NEW, Lubbock, Texas
Caprock Educational
Broadcasting Foundation
BPKD-840626IE

Allen Myers
632-3954

Dear Mr. Barton:

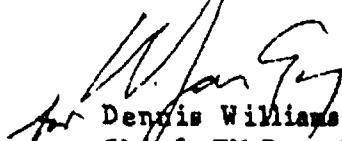
In response to a letter from the Chief, FM Branch, dated February 11, 1987, you filed an amendment on April 30, 1987 to the above-captioned application. The amendment indicates that the proposed station will carry programming provided by Southwest Educational Media Foundation of Texas, Inc. (SEMOFT). You have also indicated that SEMOFT will finance construction of the station and operate it for 120 days. You further state that "SEMOFT will manage the new FM facility solely at the direction of the directors of the Caprock."

47 C.F.R. § 73.503 states that educational FM stations will only be authorized to educational organizations and upon a showing that the station will be used in furtherance of the organization's educational goals. The sample programming attached to your amendment does not provide sufficient information to determine if it furthers your educational objectives. Therefore it is requested that you furnish us within 30 days of the date of this letter, an updated Exhibit 6 to your application detailing specific instances that explain how the proposed programs are in furtherance of your educational objectives set forth in Exhibit 5.

Furthermore, since we are unfamiliar with the precise role SEMOFT will play in providing the various services to you, it is requested that you also furnish us materials pertaining to the nature of the network and copies of your affiliation, financial, and staffing agreements with this network.

Further action on your application will be withheld for a period of 30 days pending receipt of the requested information. Failure to respond within the time frame specified will result in the dismissal of your application.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis Williams", is written over the typed name.

Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

DECLARATION

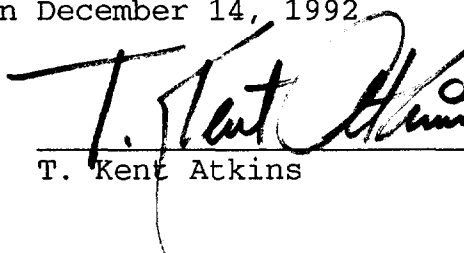
T. Kent Atkins hereby makes the following declaration:

1. He is the President of Southwest Educational Media Foundation of Texas, Inc. ("Semfot"), an applicant for a new FM station at Lubbock, TX.

2. He has reviewed a draft of the foregoing oposition to motion to enlarge issues.

3. The facts contained therein are true and correct to the best of his personal knowledge, information and belief.

I declare under penalty of perjury that the foregoing is a true and correct. Executed on December 14, 1992.

A handwritten signature in dark ink, appearing to read "T. Kent Atkins", is written over a horizontal line. The signature is stylized with a large initial "T" and a cursive "K".

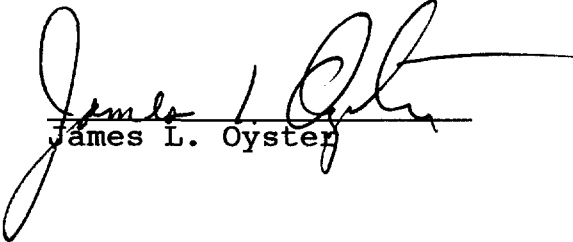
T. Kent Atkins

CERTIFICATE OF SERVICE

James L. Oyster hereby certifies that he has sent a copy of the foregoing OPPOSITION TO MOTION TO ENLARGE ISSUES by first class U.S. mail, postage prepaid, or by hand delivery, on or before the 15th day of December, 1992, to the following:

Paulette Laden, Esq.
Hearing Branch, Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

Linda J. Eckard, Esq.
Roberts & Eckard
1919 Pennsylvania Ave., N.W., Suite 222
Washington, D.C. 20006
Counsel for Dennis Elam


James L. Oyster